

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

ATHENS DISPOSAL COMPANY, INC.
15045 E. Salt Lake Ave.
City of Industry, CA 91746
CAD 982034688

Respondent.

Docket HWCA 2007 1351

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Athens Disposal Company, Inc. (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent transports hazardous waste.

1.3. Inspection. The Department inspected Respondent on June 7, July 12 and 25, 2006.

1.4. Authorization Status. The Department authorized Respondent to manage hazardous waste by Hazardous Waste Transporter Registration # 4721.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violation alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to

this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. No Admission. Respondent specifically disputes the factual allegations and legal conclusions alleged herein by the Department and does not admit that it violated any laws as alleged below. This Consent Decree shall not be used or referred to by the Department as an admission of liability or wrongdoing by Respondent.

2. VIOLATIONS ALLEGED

2.1. The Department alleges (and Respondent disputes) the following violation:

2.2. Respondent violated California Code of Regulations, title 22, section 66263.41 and Health and Safety Code section 25163, in that between on or about August 1, 2006 and August 24, 2006, Respondent transported hazardous waste in a vehicle without having a valid registration issued by the department.

2.3. Respondent violated Health and Safety Code section 25201, subdivision (a), in that on 66 separate occasions between or about August 4, 2005 and March 16, 2006, Respondent stored hazardous waste in excess of the 10 days allowed under the transfer facility exemption without a permit or other grant of authorization from the Department.

2.4. Respondent violated California Code of Regulations, title 22, section 66263.20, subsection (b), in that on approximately nine (9) different occasions, Respondent failed to date the Transporter of Waste section of the manifests acknowledging acceptance of the waste from the generators' facility.

2.5. Respondent violated California Code of Regulation, title 22, section 66263.21, subsection (a) (1), in that on or about November 8, 2005, Respondent failed to deliver the waste to the designated facility listed on the manifest.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. Respondent has corrected the alleged violations set forth above.

Respondent shall operate hereafter in a manner that shall prevent recurrences of the alleged violations cited herein.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except those operations and alleged violations that are referred to in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$10,000, of which \$5,000 is a penalty and \$5,000 is reimbursement of the Department's costs incurred in this matter.

5.2. Payment of \$10,000 specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Roberto Kou, Unit Chief
Statewide Compliance Division
1011 N. Grandview Avenue
Glendale, CA 91201

and

Ramon Perez, Esq.
Office of Legal Affairs
Department of Toxic Substances Control
9174 Sky Park Court, Suite 150
San Diego, California 92123

5.4. The Respondent hereby agrees to send at least one of its employees to the California Compliance School, Modules I through IV. Attendance of each and every module must be completed and Respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department within 185

days of the date of this Order. In recognition of this educational investment, the penalty imposed by this Order has been reduced by \$5,000 provided the employee satisfactorily completes the specified modules and the Department receives the Certificate of Satisfactory Completion within 185 days of the effective date of this Order. If Respondent fails to submit the Certificate of Satisfactory Completion as required, the penalty of \$5,000 becomes due and payable within 30 days after the 185-day period expires. The 185-day period may be extended by a Department Branch Chief upon a written request from the Respondent demonstrating good cause.

5.5. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

DATED: May 23, 2007

Original signed by Eric Herbert, President
Respondent

DATED: May 25, 2007

Original signed by Roberto Kou
Roberto Kou, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control